SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

February 26, 2004

Robert J. Urosevich
President, Diebold Election Systems
Attn: Marvin Singleton
1611 Wilmeth Road
McKinney, Texas 75069

Dear Mr. Urosevich:

On February 24, 2004, you provided our office with a request seeking the conditional certification of "export" software for use only in Los Angeles County for the March 2, 2004 election.

The "export" software would extract early voting records into a flat file that is recognizable and can be imported into Los Angeles County's InkaVote tabulation system. At no time does the "export" software tally votes. Based on the information provided and based on the opinion of the state's technical consultant, the Los Angeles "export" software is conditionally approved for a one-time use to be used for the March 2, 2004 election in Los Angeles County only, subject to the following:

The county must:
1. Produce a complete set of reports from the GEMS system for the DRE ballots. Include a report on the actual ballot images but this may be set-aside in an electronic format unless otherwise needed.
2. Run the export utility prior to the tabulation of any InkaVote ballots and produce the unofficial canvass results and compare the totals from the pre-report to verify that all the results are correct.
3. Retain all reports as part of the election audit and recount files for the duration as prescribed by law.

If the county chooses to tabulate InkaVote ballots prior to tabulating the DRE ballots, then the following must be performed:
1. After tabulating the InkaVote ballots, produce a complete set of reports from the InkaVote system. The reports should be near official canvass level although not necessarily in the final filing form. The InkaVote database must be backed-up so that it can be recovered.
2. Do the same for the GEMS system for all DRE ballots. Include a report on the actual ballot images but this may be set-aside in an electronic format unless otherwise needed.
3. Run the export utility.
4. Produce the unofficial canvass results and compare the totals from the pre-reports to see that all the results are correct.
5. Retain all reports as part of the election audit and recount files for the duration as prescribed by law.

Sincerely,

MARK L. KYLE
Undersecretary of State
Chair, Voting Systems and Procedures Panel

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